



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

PGS/JLG/MEF
F. #2016R01021

*610 Federal Plaza
Central Islip, New York 11722*

February 15, 2023

By Hand Delivery and ECF

Honorable Steven I. Locke
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Alexi Saenz and Jairo Saenz
Criminal Docket No. 16-403 (S-8) (GRB/SIL)

Dear Judge Locke:

We write on behalf of all parties in the above-captioned matter. At the last status conference on December 14, 2022 (ECF Dkt. No. 2261), Your Honor directed the parties to submit a joint status report with respect to any outstanding discovery, following the Government's November 23, 2022 production (see ECF Dkt. No. 2241). The parties have conferred, and respectfully apprise the Court as follows:

1. Deauthorization Discovery: On January 18, 2023, the Government provided a substantive response to the defendants' additional discovery demands related to their deauthorization efforts, pursuant to the Honorable Gary R. Brown's November 9, 2022 Memorandum of Decision & Order (ECF Dkt. No. 2224).
2. Co-Conspirator Cellphones: On February 1, 2023, the Government produced the forensic examinations of two non-cooperator co-conspirator cellphones. At this time, the Government will continue to produce to the defense, to the extent they exist and on a rolling basis as they become available, the forensic examinations of any additional non-cooperator co-conspirator cellphones, for any co-conspirators whose cases have been substantially resolved with, at minimum, a guilty plea. These future productions will include, for example, the forensic examinations of the cellphones of certain out-of-district Sailors clique defendants, specifically: Miguel Angel Correa Diaz and Michael Contreras, both of whom were charged in the District of Maryland. However, the forensic examinations of any and all cellphones attributable to cooperators

in this case will be produced sufficiently in advance of trial, as Jencks Act (18 U.S.C. § 3500) material.

3. Supplemental Discovery: Finally, on February 14, 2023, the Government produced supplemental Rule 16 discovery, and made other disclosures, to counsel for the defendants, including documents and materials pertaining to the most recently charged murder of Marcus Bohannon.

At this time, there does not appear to be any outstanding discovery disputes necessitating Court intervention. The undersigned Government counsel, and counsel for both defendants, have conferred on these issues as recently as February 10, 2023, and this letter is respectfully submitted on behalf of all parties.

Respectfully submitted,

BREON PEACE
United States Attorney

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Enclosures

cc: All Counsel of Record (by E-mail)